THE HON'BLE MR JUSTICE S.ANANDA REDDY

Writ Petition No.18770 of 2005

24-08-2005

Between:

Mohd.Yousef

... PETITONER

AND

The Depot Manager, APSRTC, Shadnagar Depot, Shadnagar, Mahaboobnagar District.

.....RESPONDENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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Writ Petition No.18770 of 2005

ORDER:

This writ petition is filed aggrieved by the action of the respondents in not paying gratuity to the petitioner for the period from 23.09.1996 to April, 2002, during which period the petitioner was kept under suspension and finally was removed from service by an order dated 02.03.1998 which was set aside by the Labour Court in I.D.No.223 of 1999 by an order dated 03.01.2002.

According to the petitioner, as per the award passed by the Labour Court continuity of service was granted, apart from reinstatement without back wages. By virtue of grant of continuity of service, the petitioner is deemed to be in service not only during the period of suspension but also from the date of removal till the date of reinstatement. Therefore, the said period is also to be computed for the purpose of gratuity and the denial of gratuity is contrary to the judgment of this Court in **M.Rama Rao v Assistant Traffic Manager, APSRTC, Central Bus Station, Hyderabad and another**.

Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondent-Corporation.

Admittedly, the petitioner was appointed in the respondent-Corporation in 1967 and finally retired from service as a Driver on 30.06.2005. During the course of his service, he was placed under suspension on 23.09.1996 on certain allegations and was finally removed from service on 02.03.1998. The said removal order was the subject matter before the Labour Court in I.D.No.223 of 1999 which was allowed setting aside the removal order and granting continuity of service without back wages. Therefore, by virtue of the

said award, by which the petitioner was granted the benefit of continuity of service, he is deemed to be in service even from the date of removal till the date of reinstatement. Therefore, the respondents are not entitled to deny the benefit of gratuity for that period.

Under the above circumstances, the writ petition is allowed directing the respondent-Corporation to compute the gratuity payable for the period from 23.09.1996 to April, 2002 and pay the same to the petitioner within a period of four weeks from the date of receipt of a copy of this order. No costs.

24.08.2005

VGB